

P&G Case 8313

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Amino E. Matthews	43,780
Name of Attorney/Agent	Registration No.
<i>Amino E. Matthews</i>	
Signature of Attorney	

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P&G Case 8313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of	:
Mark Allen Smerznak, et al.	: Confirmation No. 4730
Serial No. 10/003,946	: Group Art Unit: 1751
Filed: October 23, 2001	: Examiner: Gregory E. Webb

For STABILIZED LIQUID COMPOSITIONS

ELECTION WITH TRAVERSE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:

In response to the Office Action dated July 18, 2003, please consider the accompanying remarks.

REMARKS

Claims 1-47 are in the application.

Restriction RequirementPatentability Distinct Inventions

The Office Action required restriction by alleging that under 35 U.S.C. § 121, there are claims directed to the following patentably distinct inventions:

- Group I:** ~~Claims 1-16, 18-29, 40-43, 45-47~~, drawn to liquid detergent and laundry compositions and methods for increasing their viscosity, classified in class 510, subclass 418.
- Group II:** ~~Claim 17~~, drawn to a method of treating a surface, classified in class 510, subclass 109.

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Group III: Claims 30-39, 44, drawn to a stabilizing system/liquid composition, classified in class 510, subclass 405.

Applicants submit that any prior art search set up for Group I should be coextensive with any search for Groups II and III because the novel combination of elements, vis a vis the art, is identical between all three groups. Thus, Applicants respectfully submit that searching the three claim groups together would present no undue searching burden for the Examiner.

Species Restriction

The Office Action confusingly then further required restriction by alleging that under 35 U.S.C. § 121, Claims 1, 2, 13, 14, 16, 18, 19, 24-28, 29, 40-43, 45, 46 in Group I and Claims 30-31, 35-39, and 44 in Group II are generic to patentably distinct species of the claimed invention including a listed group of Fabric Substantive Agents and Crystalline hydroxyl-containing materials.

In an effort to understand the species restriction, Applicants' Attorney (Armina Matthews) spoke by phone with Examiner Webb on August 18, 2003. Examiner Webb agreed to withdraw any of the election of species restrictions set out in the Office Action of July 18, 2003. Therefore, Applicants respectfully traverse this rejection in expectation that it will be withdrawn.

Provisional Election

In view of the foregoing remarks, it is respectfully requested that the requirement for restriction be withdrawn and that Claims 1-47 are allowed to be prosecuted in the same application. Alternatively, it is requested that at a minimum, any species restriction be withdrawn as agreed to by Examiner Webb in the teleconference of August 18, 2003. In the event that the Examiner's restriction requirement is made final, Applicants hereby provisionally elect Claims 1-16, 18-29, 40-43, and 45-47 (Group I) for continued prosecution, holding Claims 17 (Group II) and Claims 30-39, and 44 (Group III) in abeyance under the provision of 37 C.F.R. § 1.142(b) until final disposition of the elected claims.

Conclusion


Based on the above remarks, reconsideration and withdrawal of the restriction requirement is respectfully requested. If, upon reconsideration, this restriction requirement is made final, Applicants respectfully request the next Office Action contain Form Paragraph 8.05 as suggested in

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MPEP § 821.01 (7th ed. 1998), to show that Applicants have traversed the requirement and have retained the right to petition from the requirement under 37 C.F.R. § 1.144.

Respectfully submitted,

M. A. Smerznak

By 
Armina E. Matthews
Attorney for Applicant
Registration No. 43,780
(513) 627-4210

Dated: August 18, 2003
Customer No. 27752

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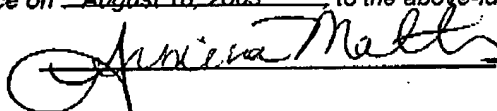
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**FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Examiner Gregory F. Webb – United States Patent and Trademark Office****Fax No. (703) 872-9310 Phone No. (703) 305-4945**

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 (Signature)

FROM: Armina E. Matthews (Typed or printed name of person signing Certificate)**Fax No. (513) 627-8118****Phone No. (513) 627-4210**

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Number of Pages Including this Page: 4**Inventor(s): Smerznak, et al.****S.N.: 10/003,946****Filed: October 23, 2001****Case: 8313****Comments:**

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